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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,989	01/21/2004	Chi-Tsung Peng	J11L06	4295

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EXAMINER

LEPISTO, RYAN A

ART UNIT	PAPER NUMBER
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2883

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/761,989

Applicant(s)

PENG ET AL.

Examiner

Ryan Lepisto

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pm

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 5 is/are allowed.
- 6) ☒ Claim(s) 6, 7, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 8 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claim 6** is rejected under 35 U.S.C. 102(e) as being anticipated by **Fung (US 2004/0120687 A1)**. Fung teaches (Figs. 1, 3, paragraphs 0021-0026 and 0028) a optical fiber Christmas tree (10) comprising a plurality of optical fiber bundles (27) that emit light from corresponding fiber ends, a stand structure having a main stand (28), a plurality of branch bases (area where branch stands (29) connect to the main stand (28)), a plurality of illuminating structures (20) wherein the fiber bundles (27) wind and drape over the branch stands (29) and the fibers are terminated at the bottom of the branch stands (Fig. 2) where they couple to the illuminating structures (20).

2. **Claim 9** is rejected under 35 U.S.C. 102(b) as being anticipated by **Foley (US 4,060,722)**. Foley teaches an optical fiber Christmas tree (Figs. 1-2, 5) comprising a plurality of optical fiber bundles (42) that emit light from corresponding fiber ends, a main stand (32), a plurality of branch bases (48) formed on the main stand (32), a

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plurality of branch stands (46) wherein the fiber bundles (42) wind out along the branch stands (46) according to the shape of the branch stands (46) and wherein each branch stand (46) is adjustably attached to the main stand (32) via the branch bases (48) so the branches can be pivoted for easy storage (column 3 lines 31-52 and column 4 lines 39-68).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fung as applied to claim 6 above, and further in view of **Bruchmann (US 2002/0118919 A1)**.

Fung teaches the tree described above.

Fung does not teach expressly the optical fiber emitting light from their sides.

Bruchmann teaches an optical fiber for illumination devices that emits light from its sides that is a suitable replacement for conventional fiber lines (paragraph 0008).

Fung and Bruchmann are analogous art because they are from the same field of endeavor, illumination devices using optical fibers.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to using the fiber taught by Bruchmann in the tree taught by Fung since the fiber taught by Bruchmann can be wound and mounted just as the fibers taught by

Fung and because Bruchmann teaches that these fibers are a suitable replacement for conventional fibers.

The motivation for doing so would have been to increase the illumination properties and reduce cost by being able to reduce the number of fibers needed (Bruchmann, paragraph 0007).

4. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Foley as applied to claim 9 above, and further in view of Bruchmann.

Foley teaches the tree described above.

Foley does not teach expressly the optical fiber emitting light from their sides.

Bruchmann teaches an optical fiber for illumination devices that emits light from its sides that is a suitable replacement for conventional fiber lines (paragraph 0008).

Foley and Bruchmann are analogous art because they are from the same field of endeavor, illumination devices using optical fibers.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to using the fiber taught by Bruchmann in the tree taught by Foley since the fiber taught by Bruchmann can be wound and mounted just as the fibers taught by Foley and because Bruchmann teaches that these fibers are a suitable replacement for conventional fibers.

The motivation for doing so would have been to increase the illumination properties and reduce cost by being able to reduce the number of fibers needed (Bruchmann, paragraph 0007).

***Allowable Subject Matter***

5. **Claims 1-3 and 5** are allowed.

**Claims 8 and 11** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

These claims would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims or (depending on if they are independent or dependent claims) these claims are allowable over the prior art of record because the latter, either alone or in combination, does not disclose nor render obvious a an optical fiber twig tree comprising a branch stand comprising a main branch and a hook at the tip of the branch for hooking into a screw on the branch base so the main branch is capable of moving up and down when being combined with the plastic optical fiber bundles, in combination with the rest of the claimed limitations.

***Response to Arguments***

6. Applicant's amendment to claim 1 put claims 1-3 and 5 into condition for allowance, but new claims 6-7 and 9-10 are rejected as described above. All other objections from the previous action have been overcome.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pickering (US 5,104,608) also anticipates claim 9 and is obvious over claim 10.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Lepisto whose telephone number is (571) 272-1946. The examiner can normally be reached on M-F 7:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

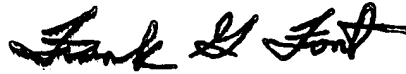
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ryan Lepisto

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Date: 12/6/05



Frank Font

Supervisory Patent Examiner

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